# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.

10/604,618

Confirmation No.: 1617

RECEIVED CENTRAL FAX CENTER

Ø 004/008

Applicant

John Francis Baxter Jr.

DEC 2 3 2004

Filed:

08/05/2003

TC/A.U.

2645

Examiner

Roland G. Foster

Docket No.

1135.26.DIV2

Customer No. :

21,901

For

Audio File Transmission Method

Faxed to Technology Center 2600 at (703) 872-9314
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

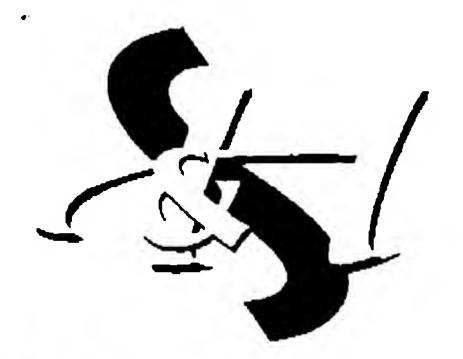
Dear Sir:

In response to the nonfinal Examiner's Action mailed September 23, 2004, having a shortened statutory period for response set to expired December 23, 2004, the above-identified patent application is amended a first time as follows:

AMENDMENT A (37 C.F.R. § 1.111)

Amendments to the claims begin on page 2 of this paper.

Remarks begin on page 4 of this paper.



# smith & hopen, p.a.

15950 Bay Vista Drive, Suite 220 Clearwater, Florida 33760 727.507.8558 Tel 727.507.8668 Fax www.baypatents.com

RECEIVED
CENTRAL FAX CENTER

DEC 2 3 2004



# INTELLECTUAL PROPERTY LAW

To:	U.S. Patent & Tradem	ark Office	from:	Anton J. Hopen	·	
Attn:	Roland G. Foster – Ar	Client:	1135.26.DIV2			
Fax:	(703) 872-9314		Pages:	8 including cover	sheet	
Phone:	(703) 305-1491		, Date:	December 23, 20	04	
Re:	USSN 10/604,618		CC:	John Francis Baxter, Jr.		
□ Urger	nt 🗹 For Review	□ Please Co	mment	☐ Please Reply	☐ Please Recycle	
			-			

#### Dear Examiner Foster:

In response to the non-final office action mailed September 23, 2004, we enclose the following:

- 1) Amendment Transmittal with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated December 23, 2004 (2 pages); and
- 2) Amendment A with Certificate of Facsimile Transmission under 37 CFR 1.8(a) dated December 23, 2004 (5 pages).

Anton J. Hopen Reg. No. 41,849

respectfully,

The documentation accompanying this transmission contains information from the Law Office of Smith & Hopen, P.A., which is confidential and/or privileged. The information is intended only for the use of the individual or entity named on this sheet. If you are <u>not</u> the intended recipient, you are hereby notified that any disclosure, copying, distribution, or the taking of any action in reliance upon the contents of this telecopled information is strictly prohibited. If you have received this transmission in error, please notify us by telephone immediately, so that we can arrange for the return of the original documents to us at no cost to you.

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

DEC 2 3 2004

Application No.

: 10/604,618

Confirmation No.: LEHVTRAL FAX CENTER

Applicant:

: John Francis Baxter, Jr.

Filed:

: 08/05/2003

Art Unit

: 2645

Examiner

: Roland G. Foster

Docket No.

: 1135.26,DIV2

Customer No.

: 21,901

For

: Audio File Transmission Method

Faxed to Technology Center 2600 at (703) 872-9314
Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

#### AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

#### **STATUS**

2. Applicant is an independent inventor. A statement was already filed.

#### **EXTENSION OF TERM**

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

# CERTIFICATE OF FACSIMILE TRANSMISSION

(37 C.F.R. 1.8 (a))

I HEREBY CERTIFY that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office, Art Unit 2645, Attn: Roland G. Foster, (703) 872-9314, on December 23, 2004.

Dated: December 23, 2004

Deporan Preza

(Amendment Transmittal-page 1)

#### **FEE FOR CLAIMS**

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

(Col.1)			(Col. 2)	(Col. 3) SMALL ENTITY			
Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Addit. Fee		
Total	6	Minus	20	= 0	x \$25 =	\$0	- mare
Indep.	1	Minus	3	<b>⇒</b> 0	x \$100 =	\$0	
First Presentation of Multiple Dependent Claim				1	+ \$180 =	\$0	
					Total Addit. Fee	\$0	

\* If the entry in Col. 1 is less than the entry in Col. 2, write "O" in Col. 3,

If the "Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 1) is less than 20, enter "20".

"Highest No. Previously Paid For" IN THIS SPACE (Column 2, Row 2) is less than 3, enter "3".

The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

No additional fee for claims is required.

Very respectfully,

SIGNATURE OF PRACTITIONER

Reg. No. 41,849 Tel. No.: (727) 507-8558

Anton J. Hopen Smith & Hopen, P.A. 15950 Bay Vista Drive, Ste. 220 Clearwater, FL 33760

(Amendment Transmittal-page 2)